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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,751	03/22/2004	Matthew Weatherly	18412.94	1230
27683	7590	05/26/2005	EXAMINER	
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			KING, ANITA M	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/805,751

Applicant(s)

WEATHERLY ET AL.

Examiner

Anita M. King

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5,6,12,14,16-18 and 20 is/are rejected.
- 7) ☒ Claim(s) 2-4,7-11,13,15 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/19/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

This is the first office action for application number 10/805,751, Adjustable Television Stand, filed on March 22, 2004. This application is a continuation-in-part of application number 10/752,908 filed January 7, 2004.

### ***Information Disclosure Statement***

The information disclosure statement filed November 19, 2004 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Drawings***

The drawings are objected to because an exploded view (Fig. 5b) is on the same page as another view, see MPEP 608.02. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several

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views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claim 20 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The subject matter of claim 20 is drawn to structural limitations however, the claim, claim 18, from which claim 20 directly depends is drawn to method steps and thus, claim 20 does not further limit the method steps of claim 18.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claim 1, 5, 6, 12, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,360,319 to Hocking. Hocking discloses an adjustable stand comprising: at least one support (64); at least one adjustable bracket (92) engaged with and adjustable along the support and including a recess (@90) in a surface adjacent the support and at least one protrusion (88) extending from a surface of the recess; at least one mounting bracket (80) including at least one retraining portion (86) configured to interface with a device to be supported by the adjustable stand; at least one flange portion (top portion of element 80, Fig. 1) configured to engage with the recess and the protrusion; wherein the recess has a depth about equal to a thickness of the flange portion; and wherein the recess has a width about equal to a height of the flange portion.

Hocking inherently teaches a method of manufacturing an adjustable stand comprising: orienting a flange portion of a mounting bracket within a recess of an adjustable bracket; coupling the adjustable bracket slidably to a support; orienting the adjustable bracket; rigidizing the coupling between the adjustable bracket and the support; and coupling a retaining portion of the mounting bracket to a device.

Claim 14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,904,328 to Leveridge et al., hereinafter, Leveridge. Leveridge discloses a monitor display assembly comprising: a monitor (12, 14); at least one support (18); at least one adjustable bracket (46) slidably engaged with the support; at least one mounting bracket (20, 22) including a retaining portion (128) and at least one flange portion (82), the retaining portion coupled to the monitor, the flange portion configured

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to engage at least one of the support and the adjustable bracket at least partially in response to the engagement of the support and the adjustable bracket; and the monitor being a personal computer monitor.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leveridge in view of U.S. Patent 6,807,051 to Takahashi. Leveridge discloses the claimed invention the monitor being a plasma television. Takahashi teaches a display apparatus comprising a monitor that is a plasma television. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the monitor in Leveridge to have been a plasma screen television since such a modification would not have produced any unexpected results.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hocking in view of Takahashi. Hocking discloses the claimed invention the monitor being a plasma television. Takahashi teaches a display apparatus comprising a monitor that is a plasma television. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the monitor in Hocking to have been

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a plasma screen television since such a modification would not have produced any unexpected results.

***Allowable Subject Matter***

Claims 2-4, 7-11, 13, 15, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 3,928,267 to Bard

U.S. Patent 3,759,482 to Wright

U.S. Patent 3,926,398 to Vincent

U.S. Patent 4,165,856 to Wiseheart

U.S. Patent 4,552,270 to Lentz et al.

U.S. Patent 4,619,427 to Leymann

U.S. Patent 4,735,389 to Graham

U.S. Patent 5,129,525 to Maynard, Jr.

U.S. Patent D358,048 to Schoenig et al.

U.S. Patent 6,095,476 to Mathis

U.S. Patent 6,149,253 to Talasani

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U.S. Patent 6,281,417 to Ladao

U.S. Patent 6,581,887 to Lapidez

U.S. Patent 6,712,321 to Su et al.

Bard discloses an apparatus for supporting a needlework frame. Wright discloses a tripod easel construction including a central upright support and a guide means.

Vincent discloses an easel. Wiseheart discloses an adjustable easel. Lentz et al. disclose a storage system having spaced apart vertical supporting members. Leymann discloses a stand for a display terminal. Graham discloses a modular support system having a separable clamping means. Maynard, Jr. discloses a stand for printed materials. Schoenig et al. disclose a stand. Mathis discloses an adjustable television stand. Talasani discloses a video display positioning system. Ladao discloses a musical instrument stand. Lapidez discloses a rotatable television mounting assembly. Su et al. disclose an adjustable supporting device for a display panel.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (571) 272-6815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Anita M. King  
Primary Examiner  
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May 13, 2005